

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WENDELL PHILLIPS,

Plaintiff,

Case No. 07-CV-14662

vs.

HON. GEORGE CARAM STEEH

DAKTRONICS, INC.,

Defendant.

_____/

ORDER DENYING PLAINTIFF'S MOTION
TO ALTER OR AMEND JUDGMENT [DOC. # 22]

On February 5, 2008, this Court entered an opinion and order granting defendant's motion to dismiss. The Court concluded that because the conduct at issue occurred in 1997, and that plaintiff knew or should have known of his potential claims based on such conduct at that time, plaintiff's claims were barred by the applicable Michigan statutes of limitations. Plaintiff filed a motion for reconsideration, which the Court denied because plaintiff's motion reiterated earlier arguments which had been considered and addressed. On February 5, 2009, plaintiff filed a motion to reopen case, pursuant to Fed. R. Civ. P. 60(a) and (b)(5) and (6). Plaintiff argued he was the victim of fraud and is entitled to two extra years to discover and bring his lawsuit. The Court denied the motion to reopen. On April 21, 2009, plaintiff filed a motion for reconsideration, which sought to have his dismissal reversed so that he could amend his complaint based upon newly discovered evidence. The Court denied that motion.

Plaintiff's newest motion to alter or amend a judgment is another attempt to argue that defendant used fraudulent means to prevent him from discovering evidence that was

crucial to make out a cause of action under RICO and the Clayton Act, which according to plaintiff both carry a four year statute of limitations. The Court senses plaintiff's frustration from his flurry of motions seeking to gain relief from the dismissal of his case. However, the Court has considered and rejected plaintiff's arguments three previous times. This fourth motion is DENIED for the same reasons as each of the others. The Court admonishes plaintiff not to file any further motions for relief from judgment or dismissal in this matter.

So ordered.

Dated: June 23, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
June 23, 2009, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk